

Appl. No. : 09/309,366  
Amdt. dated : June 20, 2003  
Reply to Office action of : Feb. 20, 2003

### REMARKS

In response to the Final Office Action, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

#### Status of Claims

By this paper, Applicant requests addition of Claim 32, cancellation of Claims 2, 3, 5-7, and 25 without disclaimer or prejudice and amendment of Claims 1, 8, 10-11, and 19-22 as indicated above. In view of the above-requested cancellations, Claims 1, 4, 8-11, 19-24, and 26-32 are currently pending.

#### Discussion of Claim Rejections Under 35 U.S.C. §§ 102(b) and 103(a)

In the Office Action, the Examiner rejected Claims 1-7, 10, 11, 19, 21-27, and 30-31 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,467,444 to Kawamura, et al. (hereinafter Kawamura). Claims 8, 9, 28, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawamura.

Kawamura relates to a “method for making an effective three-dimensional display of buildings and a system therefor, in addition to a conventional two-dimensional display of a map, for tasks requiring map information such as for facility inspections.” *Kawamura*, col. 1, ll. 13-16. Kawamura further states that:

In order to identify buildings and houses or to comprehend the layout of shops and stores, three-dimensional display information such as numbers of floors of buildings and numbers of floors of underground markets has been become more important in addition to conventional two-dimensional information such as maps....[T]hree-dimensional map displays which take account of heights of buildings as well as figures of the buildings above the ground surface level have come to be required because using only conventional two-dimensional map displays is not sufficient for performing works such as facility inspections and urban designing for which maps are used.” *Id.* at col. 1, l. 60 – col. 2, l. 6.

Kawamura further describes the use of a data base for “storing attribute data or data associated with map data having three-dimensional characteristics and indicating attributes of each house,

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e.g., {number of floors, a residential number, owner of the house, telephone number, as etc.}.”  
*Id.* at col. 4, ll. 5-9. Thus, Kawamura appears to be directed to the creation of maps that may be useful in “performing works such as facility inspections.” Kawamura is further directed to a system for displaying map information wherein a user can view a 3-D model of a map and the street address of each building shown on the map.

In contrast, one embodiment of Applicant’s invention is generally directed to a construction defect management system. In the system, an inspector annotates a floor plan schematic of a building with an identification code that is related to a construction defect identified on the building. The identification code is associated with an item of observational information, such as a textual description and/or photograph of the construction defect. The annotated floor plan schematic is input into a computer and correlated with the observational information regarding the construction defect. A user may access the stored information via an user interface which allows the user to search for construction defects, based on identification code or observation information, for example, and view one or more corresponding floor plan schematics annotated with construction defect identification codes. In this way, the location of the construction defects in the building may be identified.

#### Claims 1, 19 and 21

Independent Claim 1, as amended, recites:

A method of organizing information in a computer, comprising:  
    assigning a bar code to a floor plan schematic of a building;  
    providing an item of observational information that is related to a construction defect of the building;  
    assigning an identification code to the item of observational information;  
    annotating the floor plan schematic with the identification code;  
    associating in the computer the bar code to the identification code; and  
    providing a user interface for displaying the floor plan schematic annotated with the identification code in response to a selection of the identification code, wherein the displayed floor plan schematic is provided by the user interface by identifying the floor plan assigned to the bar code which is associated with the identification code.

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Independent Claims 19 and 21, as amended, include features similar to those recited above in Claim 1.

Applicant respectfully submits that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *See* M.P.E.P. § 2131. As discussed further below, Applicant respectfully submits that the above-recited features of Claim 1 are not each taught or suggested by Kawamura.

The cited art does not include at least “[a] method of organizing information in a computer, comprising ... assigning a bar code to a floor plan schematic of a building,” as recited in Claim 1. In the Office Action, the Examiner stated that in Kawamura “an object identifier (Resident ID) is provided which is linked to the two dimensional map and three dimensional objects.” However, Kawamura fails to disclose the use of a bar code, and further, fails to disclose “[a] method of organizing information in a computer, comprising ... assigning a bar code to a floor plan schematic of a building,” as recited in Claim 1.

The cited art also does not include at least “[a] method of organizing information in a computer, comprising ... providing an item of observational information that is related to a construction defect of the building,” as recited in Claim 1. In the Office Action, the Examiner stated that, with respect to Kawamura, “[a]ny information in the maps or objects can be read as ‘defect information’, since the information is used for facility inspections ... and the facility inspections are for the express purpose of detecting facility defects.” However, while Kawamura appears to be directed to the creation of maps that may be useful in “performing works such as facility inspections,” Kawamura does not teach or suggest providing defect information related to a building. Furthermore, Kawamura does not teach or suggest the relating of observational information to the construction defects. Accordingly, the cited art fails to teach or suggest at least “[a] method of organizing information in a computer, comprising ... providing an item of observational information that is related to a construction defect of the building,” as recited in Claim 1.

Kawamura also does not include at least “[a] method of organizing information in a computer, comprising ... assigning an identification code to the item of observational information.” As discussed immediately above, Kawamura does not teach or suggest the use of

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observational information related to construction defects. Accordingly, Kawamura does not teach or suggest "assigning an identification code to the item of observational information," as recited in Claim 1. In the Office Action, the Examiner stated that "observational information (name of owner) is also related to the maps and objects ... [a]n observational identifier (Residence Number) is assigned to each line of observational information." Applicant respectfully submits that the name of an owner is not a construction defect, and furthermore, the association of a residence number with an owner does not anticipate or make obvious "assigning an identification code to the item of observational information," as recited in Claim 1, as amended.

Applicant respectfully asserts that the Examiner's position that the use of "construction defect information" in place of names would have been obvious to one of skill in the art as a choice of design is not a prima facie rejection. Applicant submits that the prior art must suggest the desirability of the claimed invention. *See* M.P.E.P. § 2143.01. The fact that references can be modified is not sufficient to establish prima facie obviousness. *Id.* Furthermore, the fact that the claimed invention is within the capability of one of ordinary skill in the art is not sufficient by itself to establish prima facie obviousness. *Id.* In this case, the Examiner has merely made conclusory findings regarding the motivation to modify the Kawamura system.

The cited art does not include at least "[a] method of organizing information in a computer, comprising ... providing a user interface for displaying the floor plan schematic annotated with the identification code and the item of observational information in response to a user request," as recited in Claim 1. Kawamura does not appear to include a user interface that allows a user to request retrieval and display of a "floor plan schematic annotated with the identification code and the item of observational information"

In view of the foregoing claim amendments and accompanying remarks, Applicant's believe that Claim 1 is in condition for allowance. Claims 19 and 21 have each been amended to include certain features similar to those discussed above with respect to Claim 1. Accordingly, Applicant's believe that Claims 19 and 21 are in condition for allowance at least for certain reasons discussed above with respect to Claim 1, and their own patentable features. Reconsideration of Claims 1, 19, and 21 is respectfully requested.

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Claims 4, 8-11 and 21-24, and 26-31

Since Claims 4, 8-11 and 21-24, and 26-31 each depend on one of Claims 1 and 21, Applicant respectfully submits that these claims are allowable for the reasons previously discussed and the subject matter of their own limitations.

Claim 20

In the Office Action, the Examiner rejected Claim 20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,930,773 to Crooks, et al. (hereinafter Crooks). In view of the foregoing amendment and following remarks, Applicant respectfully requests reconsideration of Claim 20.

Crooks "pertains to computerized resource accounting methods and systems, and in particular computerized utility resource management methods and systems, multi-user utility resource management methods and systems, and energy-consumption-based tracking methods and systems." *Crooks*, col. 1, ll. 25-29. "Resource usage information is received into the host computer pertaining to consumption of one or more of the resources by one or more of the customers at one or more customer site. The resource usage information is processed to provide usage-based, computer-viewable data associated with a respective customer's consumption of one or more of the resources." *Id.* at col. 2, ll. 14-20. Thus, Crooks is directed to a system of monitoring and analyzing usage of utilities by customers.

Applicant respectfully asserts that the cited art does not teach or suggest "[a] method of assigning responsibility for construction defects, including ... generating a report that describes a subcontractor percentage of responsibility of a subcontractor for a construction defect based upon the trade identifiers and the subcontractor percentage," as recited in Independent Claim 20, as amended. On page 5 of the Office Action, the Examiner stated that "the 'defect' can be read as the incurred cost for sewer service, as the defect is not further defined, except that it is associated with some cost." However, Applicant's have amended Claim 20 to recite a "construction defect" to further clarify the that the defects are construction defects, on a building, for example, which are associated with work performed by one or more subcontractors. Thus, while Crooks is

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directing to monitoring and analyzing usage of utilities by customers, such as a sewer service, Claim 20, as amended, is directed to assigning responsibility for construction defects. Moreover, Crooks does not even mention defects, recordation of defects, or any involvement of subcontractors. As such, Crooks fails to teach or suggest "assigning responsibility for construction defects, including ... generating a report that describes a subcontractor percentage of responsibility of a subcontractor for a construction defect." Accordingly, Claim 20 is in condition for allowance. Reconsideration of Claim 20 is respectfully requested.

#### Discussion of New Claim 32

New claim 32 has been added. None of the cited prior art references include, alone or in combination, each of the elements of the newly added claim. Thus, new Claim 32 is patentable over the references of record. Consideration of Claim 32 is respectfully requested.

#### Summary

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims for patentability purposes, the reasons therefore, and arguments in support of the patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and the claims would satisfy the statutory requirements for patentability without the entry of such amendments. In addition, such amendments do not narrow the scope of the claims. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. In light of the

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above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

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Dated: 6/20/2003

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